

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

BRAD JOHNSON, in his individual capacity; TYSON HELM, Correctional Officer, in his individual capacity; JOESPH WILSON, Correctional Officer, in his individual capacity; QUINTON HOUCHIN, Correctional Officer, in his individual capacity; and JOSHUA EATON, Correctional Officer, in his individual capacity;

Defendants.

4:21CV3042

MEMORANDUM AND ORDER

This matter is before the court on a memorandum from the Clerk of the Court requesting a ruling as to Plaintiff's authorization to proceed in forma pauperis on appeal. (Filing 214.) Plaintiff filed a Notice of Appeal on August 22, 2022.¹ (Filing 213.) Plaintiff appeals from the court's Memorandum and Order and Judgment dated August 4, 2022 (filing nos. 211 & 212), in which the court dismissed this matter with prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

¹ The address provided by Plaintiff on the envelope used to mail his Notice of Appeal indicated that he was no longer in the custody of the Lancaster County Department of Corrections. (Filing 213 at CM/ECF p. 13.) On August 26, 2022, the clerk of the court received correspondence from the Lancaster County Department of Corrections confirming that Plaintiff had been released from custody on August 19, 2022. (Filing 216.) Thus, Plaintiff was not a prisoner when he filed his Notice of Appeal.

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that:

1. Plaintiff may proceed on appeal in forma pauperis.
2. The clerk of the court is directed to send a copy of this Memorandum and Order to Plaintiff at the address on file with the court and at the following address: People City Mission, 110 Q Street, Lincoln, NE 68508.
3. Plaintiff is advised that he is obligated to keep the court informed of his current address at all times. *See* NEGenR 1.3(e) and (g).

Dated this 29th day of August, 2022.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge